



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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January 18, 2023

**BY ECF**

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

Re: Mark McKinley v. Detective Crevatas, et al.,  
20 Civ. 3606 (KPF)

Your Honor:

I am a Senior Counsel and supervising attorney in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York. I write to respectfully request a three-week extension of time until February 15, 2023 for defendants to file their motion for summary judgment and similar extension of time for plaintiff to file his opposition and for defendants to reply. Plaintiff's counsel consents to this request.

By order dated December 20, 2022, Your Honor endorsed the parties' proposed briefing schedule for defendants' motion for summary judgement. *See* ECF 102. Pursuant to that schedule, defendants are to file their motion by January 25, 2023, plaintiff's opposition is due on February 27, 2023, and defendants' reply is due by March 13, 2023.

Unfortunately, Assistant Corporation Counsel Andrew Spears who is primarily assigned to this case had a medical emergency and is currently out of the office.<sup>1</sup> It is unknown exactly when he will be able to return to the office or be able to begin to work remotely. As such, and with plaintiff's consent, the parties respectfully request that Your Honor endorse the following, revised scheduled for defendants' anticipated motion for summary judgment:

- Defendants to file their motion by February 15, 2023;
- Plaintiff to file his opposition by March 20, 2023; and

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<sup>1</sup> The undersigned is not comfortable putting any additional details regarding Mr. Spears' medical condition on the public docket. However, should the Court require additional information, defendants are amenable to providing such information to the Court on an *ex parte* basis.

- Defendants to file their reply, if any, by April 3, 2023.

Defendants thank the Court for its time and attention to this matter.

Respectfully submitted,

Rachel Seligman Weiss /s  
Rachel Seligman Weiss

cc: **VIA ECF**  
Edward Sivin, Esq.  
*Attorney for plaintiff*

Application GRANTED. The parties shall adhere to the briefing schedule set forth above. The Court wishes Mr. Spears the best with his recovery.

The Clerk of Court is directed to terminate the pending motion at docket entry 103.

Dated: January 19, 2023  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE